

Remarks:

Applicant has studied the Office Action dated January 18, 2005, and has amended the application to distinctively claim the subject matter of the invention.

Claims 1 through 6 are pending in the application. Among the claims, claims 1-3, 5 and 6 are rejected under 35 U.S.C. § 103(a). Claim 4 is objected to as being dependent upon a rejected base claim, but considered allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Furthermore, the specification and drawings have been objected to due to informalities.

The Applicant has amended the specification and drawings as follows to overcome the Examiner's objections. No new matter has been added. Support for the amendments is found within the specification and the drawings. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Objections to Specification:

By the virtue of this amendment the Applicant has amended the specification, page 11, paragraph 32, to replace reference numeral 28b with 27b as suggest by the Examiner. It is requested that the respective rejection to be withdrawn.

Objections to Drawings:

By the virtue of this amendment the Applicant has amended FIG. 10 to replace the text inside block 49 in FIG. 10 with "Supplemental data symbol indicator," as suggested by the Examiner. A marked-up version and a replacement sheet for Fig. 10 according to 37 CFR 1.121 are provided. Accordingly, it is respectfully submitted that the objection to the drawings should be withdrawn.

§103 Rejection(s):

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knutson (US Patent 6,788,710) in view of Fimoff (Application No. 10/840,541) and the prior art. In addition,

claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knutson and Fimoff, further in view of Gaddam (US Patent 6,744,822).

Upon comparing the priority dates of Fimoff and the present application, Fimoff is a 103/102(e) reference. Particularly, Fimoff is a pending US application which was published on October 21, 2004 after the priority date of the present application which is April 20, 2001. The publication date of Fimoff also post-dates the US filing date of the present application, which is November 16, 2001.

Applicant's records show that the rights to Application No. 10/840,541 (i.e., Fimoff) were assigned to Zenith and that Zenith has been wholly owned (100%) by the Applicant as of November 1999. Therefore, the Applicant believes that Fimoff is disqualified as prior art against the claimed invention under 35 U.S.C. 103(c). The following is a statement submitted as evidence to establish common ownership pursuant to MPEP 706.02(l)(2). This statement alone is sufficient evidence to meet the disqualification requirements under 35 U.S.C. 103(c). (See MPEP page 700-55)

Evidence to establish common ownership pursuant to MPEP 706.02(l)(2)

Patent Application No. 09/991,442 (the present application) and Patent Application No. US 2004/0207757 A1 (Fimoff) were, at the time, the invention of Patent Application No. 09/991,442 (the present application) was made, owned by Zenith a whole subsidiary of the Applicant, LG Electronics, Inc.

MPEP 706.02(l)(2) provides the definition of common ownership. Example 1 in that section is on point with respect to circumstances like here. Where a parent company owns 100% of a subsidiary, inventions of the subsidiary are commonly owned by the parent company. (See MPEP page 700-53, particularly Example 1).

For the above reasons, Fimoff is disqualified as prior art and all rejections pertaining thereto should be withdrawn. Since, the Examiner concedes that the claims are distinguishable

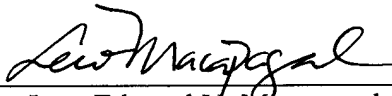
over the other cited references when not viewed in combination with Fimoff, the Applicant respectfully submits that claims 1-6 are in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
Lee, Hong, Degerman, Kang & Schmadeka

Date: May 12, 2005

By: 
Lew Edward V. Macapagal, Esq.
Registration No. 55,416
Attorney for Applicant(s)

Customer No. 35884

Lee, Hong, Degerman, Kang & Schmadeka
801 S. Figueroa Street, 14th Floor
Los Angeles, CA 90012
Telephone: (213) 623-2221
Facsimile: (213) 623-2211

Amendments to the Drawings:

Please amend FIG. 10 as follows: Please replace the text inside block 49 in FIG. 10 with
“Supplemental data symbol indicator.” (See mark-up copy of FIG. 10 and Replacement Sheet)



FIG. 10

